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Attorney for Appellant Jonathan E Fortman

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE FACEBOOK INC. CONSUMER
PRIVACY USER PROFILE LITIGATION
SECURITY BREACH LITIGATION

) MDL. 2843, Appeal No. 23-3623
) Case No. 18-md-2834-VC
)
) **APPELLANT FORTMAN'S**
) **CERTIFICATION OF**
) **NOT ORDERING**
) **TRANSCRIPTS**
)
) Courtroom: 4, 17th Floor
) Judge: Hon. Vince Chhabria
)

COMES NOW, Appellant Jonathan E Fortman and hereby files his Certification of Not Ordering Transcripts pursuant to Circuit Rule 10-3.1(f), and sets forth the following:

- 1) On January 8, 2024, Fortman filed “Appellant’s Certificate/Notice Confirming No Transcript Ordered” with the Court of Appeals confirming no transcripts needed from the district court.
- 2) On January 18, 2024, Appellees filed their “Notice Regarding Additional Transcripts” with the Court of Appeals, alleging the transcripts for September 7, 2023 (Doc # 1173, 1 hour, 3 minutes), March 2, 2023 (Doc # 1119, 1 hour, 6 minutes) and September 15, 2022 (Doc # 1047, 2 hours, 34 minutes) were “necessary to the appeal” involving various hearings on motions.
- 3) Appellant contends that no transcripts are necessary, as Appellant has limited his appeal

to the Judgment/Orders dated October 10, 2023 concerning the fairness hearing that occurred on September 7, 2023, involving this Court's Final Judgment (Doc #1184), Order Granting Final Approval of Class Action Settlement Pursuant to Federal Rule of Civil Procedure 23(E)(2) (Doc # 1182), and Order Awarding Attorneys' Fees, Expenses, and Service Awards (Doc # 1183).

4) Appellant has limited his appeal to the Judgments/Orders referenced above, and not to other extraneous issues that may have arisen in this litigation.

5) Appellee seeks a transcript of the fairness hearing that occurred on September 7, 2023 where Appellant does not directly participate, dispute or appeal the testimony or events that occurred before the Court on that date during the hearing. Appellant should not be forced to pay for such transcript involving events/testimony that are not the subject of his appeal.

6) Appellee seeks the transcript for a preliminary approval hearing that occurred on March 2, 2023. Appellant did not appeal, or object to the preliminary approval order that was issued, nor did Appellant object or appeal the testimony or matters that occurred before the court on March 2, 2023. Therefore, Appellant should not be required to pay for a transcript of proceedings in which he was not a participant, did not object, and further did not make the subject of his appeal.

7) Appellee seeks the transcript for a Motion for Sanctions for Discovery Misconduct, that occurred on September 15, 2022. Appellant did not participate in, dispute or appeal any of the events that occurred on such date that occurred almost one (1) year before Appellant's objection was filed with this Court. Appellant should not be forced to pay for a transcript concerning events/testimony that are not the subject of Appellant's appeal.

8) Appellant files this Certification with the knowledge that this district court has entered its Order dated January 11, 2024 effectively staying all proceedings until further notice from this

Court until the Ninth Circuit rules on this Court's final approval of the settlement. However, this this Certification is filed at this time in the district court as it is required by Ninth Circuit Rule Rule 10-1.3(f).

WHEREFORE, Appellant Fortman certifies that the transcripts requested by Appellees are unnecessary, and Appellees should pay for the transcripts set forth above.

Respectfully submitted,

s/John C. Kress

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CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing document was filed with the Clerk of Court for the Northern District of California and the Ninth Circuit Court of Appeals using CM/ECF on January 25, 2024 resulting in the transmission of this document as an electronic filing generated by CM/ECF. The following court reporters were served with this notice via email:

Tara Jauregui: echoreporting@yahoo.com

Dipti Patel: Dbpatel1180@gmail.com

Marla Knox: Marla_Knox@cand.uscourts.gov

s/ John C Kress